

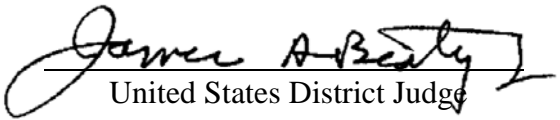
CHARLES GENE ROGERS,)
)
 Petitioner,)
)
 v.) **1:06CV00269**
)
 DON G. WOOD,)
)
 Respondent.)

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on March 23, 2006, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that this action be dismissed without prejudice to Petitioner filing a new petition in the proper district. **IT IS FURTHER ORDERED** that Petitioner's request for appointment of counsel be **DENIED**. A Judgment dismissing this

action will be entered contemporaneously with this Order.


United States District Judge

Date: June 5, 2006